

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

WESTPORT FUEL SYSTEMS CANADA  
INC.,

*Plaintiff,*

v.

FORD MOTOR COMPANY,

*Defendant.*

Case No. 2:21-cv-00453-RWS-RSP  
(Lead)

**JURY TRIAL DEMANDED**

**P.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Court's Docket Control Order (Dkt. No. 52) and Local Patent Rule 4-3, Plaintiff Westport Fuel System Canada Inc. ("Westport") and Defendant Ford Motor Company ("Ford") submit this Joint Claim Construction and Prehearing Statement.

The claim construction hearing to address U.S. Patent Nos. 6,298,829 ("the '829 Patent") and 6,575,138 ("the '138 Patent") is scheduled to occur on April 11, 2023 9:00 a.m. in Marshall, Texas before Judge Payne.

**I. P.R. 4-3(a) Agreed Claim Constructions**

The parties have held a meet-and-confer pursuant to P.R. 4-2(c) but did not reach an agreement on any of the disputed claim terms.

**II. P.R. 4-3(b) Proposed Constructions for Terms in Dispute**

**Exhibit A** is a chart showing the Parties' proposed constructions of each disputed claim term with intrinsic and extrinsic evidence supporting such constructions. Each Party reserves the right to rely upon any intrinsic or extrinsic evidence identified by any other Party. In addition,

each Party reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by any other Party, or for other good cause. Ford has not committed to forgo reliance, rely in full, rely in part, or rely with amendments or changes on the P.R. 4-3 Report of Dr. J. Matt Quinlan dated December 2, 2022 and offered in support of General Motors, LLC's claim construction positions in a related case, Case no. 2:21-cv-00455[JEG/RSP], the "GM Case". Given the lack of disclosure from Ford regarding how it may or may not rely upon expert opinions from Dr. Quinlan in support of its proposed claim construction, Westport reserves the right to provide a rebuttal expert declaration in response to any expert declaration submitted by or relied upon by Ford, and/or rely upon the deposition of Dr. Quinlan taken in the GM Case on his P.R. 4-3 Report, and/or rely upon the deposition of Dr. Quinlan taken in this case, if any. Ford opposes Westport's attempted reservation of right to provide a rebuttal expert report; P.R. 4-3(b) requires Westport to serve an expert disclosure for any expert offered "to oppose any other party's proposed claim construction" position simultaneously with this disclosure. Any later "rebuttal" report would be untimely and in violation of P.R. 4-3(b) and the Court's General Order 18-10.

### **III. P.R. 4-3(c) Anticipated Length of Time for Claim Construction Hearing**

The parties propose that each side receive 90 minutes for oral argument on claim construction issues.

### **IV. P.R. 4-3(d) Anticipated Witnesses at the Claim Construction Hearing**

The Parties will not present live testimony of witnesses at the claim construction hearing, although the parties may rely upon testimony via declaration and deposition testimony taken in either this case or the deposition of Dr. Quinlan taken in the GM Case on his P.R. 4-3 Report.

### **V. P.R. 4-3(e) Other Issues to Be Addressed at a Claim Construction Prehearing Conference**

A prehearing conference has not been scheduled. Although the parties do not believe that a prehearing conference will be necessary, the parties are generally available for a prehearing

conference during the week of April 3, 2023 if the Court desires to schedule such a conference.

Dated: January 17, 2022

Respectfully submitted,

/s/ Miranda Y. Jones

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of January 2023, the foregoing was filed electronically through the Court's CM/ECF system.

/s/ *Miranda Jones*  
Miranda Jones